

SEEKONK PLANNING BOARD
Regular Meeting & Work Session
Selectmen Meeting Room
October 12, 2021

Present: D. Sullivan, B. Hoch, S. Foulkes, Lee Dunn, P. Aguiar, S. Escaler, D. Roderick, and John Aubin, Town Planner

Ch. Sullivan opened the meeting at 7:02 pm.

PUBLIC HEARING:

Zoning By-law Amendments: New language or otherwise substantive amendments are proposed to: **Section 4- USE REGULATIONS.**

B. Hoch made a motion to waive the reading of the Notice, L. Dunn seconded. Vote: 7-0-0

Ch. Sullivan opened the public hearing at 7:03 p.m.

Roll Call: Sandra Escaler, Bruce Hoch, Phoebe Lee Dunn, David Sullivan, Sandy Foulkes, Peter Aguiar, and David Roderick.

Mr. Aubin provided the Board with a copy of the comments regarding proposed change that he received from Town Counsel and noted Ms. Kwesell's suggestions with the location of the proposed amendments (Section 4.2.6 Prohibited Uses) to be in front of the land use table, but he stated that the sequencing and enumeration doesn't allow for that; he suggested leaving it as proposed. Mr. Aubin spoke about Ms. Kwesell's second comment regarding Item C Chlorine Gas stating he recommends changing it to "bulk storage and wholesale distribution of chlorine or other similar noxious or toxic gases." He gave the same recommendation for Item K Petroleum/LNG and change wording to "bulk storage for wholesale distribution."

It was discussed to add the wording to the first sentence of Section 4.2.6 "Except as may be otherwise provided for by Massachusetts General Law Chapter 40A." Item E "Extraction of underground water resources for wholesale..." was discussed as well as Item Q "Slaughter of animals..."

Ch. Sullivan asked for public comment; there was none.

P.L. Dunn made a motion to close the public hearing. Vote: 7-0-0

P.L. Dunn made a motion to vote to make a positive report/recommendation to Town Meeting and direct the Town Planner to forward to the Board of Selectmen with the amendments as discussed this evening, D. Roderick seconded. Motion passed all in favor. Vote: 7-0-0

REGULAR MEETING:

Discussion: ANR Application for 0 Hunt Street and 44 Malta Street to reconfigure 4 existing lots of record for the property being AP 20, Lots 110, 111, 136, 137, 139 and 140 within the R-1 Zoning District

Applicant: Cheryl L. and William Feather

Representative: Otis Dyer

The Town Planner, J. Aubin summarized the application and stated that this ANR is essentially locking in how the property is currently used. This plan would divide a small piece of land that is currently being occupied by two abutters; it would be divided along the occupation and the parcels will be combined with the abutters' respective lots.

Rachel Smith of Otis Dyer was present to answer the Board's questions. She stated the property was acquired from the Town at auction and was being used by the abutters for well over 20 years. It will be divided along the occupation/stockade fence. The advantage is that the property is back on the tax rolls.

B. Hoch raised concern with errors in information provided to the Board in the Planner's report.

D. Roderick made a motion to endorse the ANR application, P.L. Dunn seconded, and it was unanimously approved. **Vote: 6-1-0 (B. Hoch-nay)**

Discussion: ANR Application for 738 County Street to reconfigure and divide the existing lot of record for the property being AP 10, Lot 46, within an R-2 Zoning District.

Applicant: David F. Cordeiro

Representative: Otis Dyer

The Town Planner, J. Aubin summarized the application and stated this plan would create three new lots on Chestnut Street and revise the lines for the existing lot. All lots conform or exceed the requirements of the R-2 Zoning District.

Rachel Smith of Otis Dyer was present to answer the Board's questions. She stated these lots are all family; this ANR is for estate planning purposes. Property for house number 700 will remain the same.

B. Hoch questioned the existing structures that straddle the boundary line. Ms. Smith stated they would have to address that if and when Lot 3 were to be sold. J. Aubin noted the encroachment is already there onto that property; he suggested the Board include a note in their endorsement that this has absolutely no affect with the existing encroachment shown on Lot 3; should Lot 3 be sold, the owner of Lot 700 County Street would have to eliminate the encroachment. Lot 3 could not have an accessory use without a principal use. Ms. Smith said similarly, the issue/existing condition of a driveway for 738 County that encroaches on 700 County would need to be addressed at the time of any sale.

P. Aguiar made a motion to endorse the ANR application, including the Town Planner's suggestion, P.L. Dunn seconded, and it was unanimously approved. Vote:7-0-0

Discussion:

Recommendation to the Board of Selectmen and Fall Town Meeting on the laying out and acceptance of the following streets as public ways:

- a. Hidden Hills Drive within the Hidden Hills Residential Subdivision

The developer, Steve Dippolito, Premier Builders was present. It was discussed that an HOA is in place; everything is complete except a few items on the As-built that need to be corrected. The road right-of-way layout is owned by the Town. It was noted that Mr. Dippolito has not asked for any reduction in surety to date; once the road is accepted at Town Meeting, he will request release of surety (\$105,995.79).

B. Hoch made a motion to recommend Hidden Hills Drive for acceptance by the Town to the Board of Selectmen for hearing/Fall Town Meeting, P.L. Dunn seconded.
Vote: 7-0-0

- b. Patriot Way within the Brady Estates Residential Subdivision.

J. Aubin reported surety is currently held at \$22,478 (15%). He stated that there are no outstanding issues with regard to the roadway, however Ms. Mignacca has concerns with the drainage along the back of the lots on the eastern side of the development. He noted when the Planning Board approved it, they required that the area be graded to drain. The applicant was asked to provide spot elevations (shown on the back of Lots 1 through 6). The problem is it is not a very steep pitch; it is a flat area, and it takes a while to achieve the draining. It is a problem area where water collects because it is not pitched enough to drain the rest of the way to Lot 3.

Marylou Mignacca, 9 Patriot Way (owner of Lot 2) stated the developer was supposed to put a swale along the back of the properties on her side of the street. She reported a year ago, the developer dug a trench in the middle of her back yard which empties out Lot 5 into her yard. She stated she has tried to contact Ryan DuVally, Heritage Realty, but he does not return her calls.

Mr. Aubin clarified that a swale was not proposed/required as part of the subdivision, the Plan referenced “grade to drain.” The Planning Board has been trying to get the developer to address the standing water in Ms. Mignacca’s back yard for a couple of years now.

Ms. Mignacca stated she is also getting water from the back of the property from Drohan Court. Mr. Aubin noted an existing water issue amongst three property owners before Patriot Way. He stated it would seem one lot next to Ms. Mignacca would not be enough to create a flooding problem to that extent. Ms. Mignacca dated it takes three days to drain, and is never dry.

Mr. Aubin commented that since we are here technically just for road acceptance, this raises the question if this issue may be more towards a “surety issue.” It should be noted and passed on to the Board of Selectmen as it needs to be addressed before any additional surety is released. There are two separate issues: 1) the roadway, and 2) the overall improvements to the development. He felt this Board’s jurisdiction is in the surety realm.

Ms. Mignacca urged the Board not to accept the road as the developer has to fix issues with several houses/properties on the road. She has not been able to use the backyard for three years now.

Ch. Sullivan suggested the Board refer this back to the Town's consulting engineer to work with the applicant to figure out a condition that would solve the problem from the back of the existing house down to the drainage area past the cul-de-sac for all the property owners.

J. Aubin clarified/stated that the roadway drainage system is functioning. The issue is the drainage along Lots 1 through 5. It is difficult to break from where the public improvements are to where the responsibility/agreements between the developer and the homeowners purchasing in the development. The Planning Board reviews the overall design of the system, not the individual conditions/specific grades of the lots. The Planning Board feels that it appears the initial resolution of "grading that area to drain" to date has not been done adequately.

B. Hoch made a motion to give a negative recommendation for acceptance of Patriot Way by the Town to the Board of Selectmen for hearing/Fall Town Meeting, P.L. Dunn seconded.

Vote: 7-0-0

P. Aguiar made a motion to have the Town's Consulting Engineer and the Developer work together to find a cooperative solution to the drainage issue, B. Hoch seconded.

Vote: 7-0-0

WORK SESSION:

Town Planner Monthly Report (see attached September Monthly Report)

J. Aubin summarized the Monthly report.

Subdivisions: Pre-construction meeting was conducted for **Berson Estates** and the water line has been installed. **Magnolia Court** is waiting on a pre-construction meeting. **Pine Brook Court** has a second telephone pole installed; the current telephone pole is still in the middle of the road and has not been removed yet. **Farmland Estates** continues to perform cleanup work and hope to go before Spring Town Meeting for road acceptance. Construction is ongoing for **Kathleen Court**. **Jacob Hill Estates** is waiting for resolution for drainage issues and needs a Certificate of Completion from Conservation. **Pine Hill Estates** (Jacoby Way) the HOA is working on outstanding issues and hope to go before Spring Town Meeting for road acceptance. **Brigham Farm III** is wrapping up the peer review in Conservation. **Winterfell** has submitted an As-built plan and will be coming forward for Spring acceptance. **Stone Ridge** is getting ready for final pavement and installation of sidewalks. Mr. Aubin noted the developer is not going forward with the proposal to amend the sidewalks.

S. Foulkes had several questions regarding fire suppression systems/cisterns.

J. Aubin spoke about moving forward with stalled "zombie" subdivisions in Town.

Jacoby Way was discussed.

Site Plans:

Pre-application for a proposed gas station at 155 Fall River Ave recently received ZBA approval for a Special Permit and needs to go before the BOS for approval for the proposed gas tanks as well as the BOH for the proposed septic system. Ultimately, they will come before this Board for a Site Plan. Site Plan application for 214 & 224 Taunton Ave for an automotive dealership will need approvals from other boards before the Planning Board sees it in about 6 months or so. The pre-application review for 1782 Fall River Ave for carport solar facility at the Seekonk Speedway will be discussed at the upcoming TRC meeting and will require a Special Permit from the ZBA and Conservation Commission approval.

Amendments:

Mr. Aubin reported that the Zoning Amendments put forth in the Spring have been approved by the Attorney General's office so the Planning Board is at the end of the permitting process. All approvals from the Zoning Board, Board of Health, Board of Selectmen, and Conservation Commission need to be in place before the Planning Board can issue an approval. This process will make sure comments and conditions from other boards are incorporated into the Planning Board's site plan review/approval.

The Open Space and Recreation Plan has been approved for submission by the Board of Selectmen. Master Plan draft is ongoing. SRPEDD will run office hours on Wednesday and will make a presentation to the Board of Selectmen at an upcoming meeting.

Miscellaneous:

2020 Census preliminary with authorization for redistricting plan keeping 4 precincts. Next census will likely contain 5 precincts.

Attleboro Dye Works (ADW) remediation continues. We are working through grants from the EPA & MassDevelopment.

Municipal Vulnerability Program (MVP) final plan revisions being incorporated by project consultant. The Board discussed climate change, the conservation of trees, and Conservation Subdivisions.

Stormwater Advisory Committee: The MS4 Annual Report has been reviewed and submitted. There is ongoing assessment and remediation of identified and prioritized stormwater issues in Town.

Member Reports:

Discussion: SRPEDD

L. Dunn advised the board that she attended a brief SRPEDD meeting held on September 23, 2021 via Zoom. They talked about American Rescue Grants: Child Care, Marine Science, and Wind Energy; grants are due by October 19, 2021. JTPG, The Transportation Planning Group will release the Dangerous Locations list on October 19, 2021. Route 6 data is being collected; SRPEDD is finding concerns for pedestrian safety due to high traffic speeds. Homeland Security Funds are allocated to Americans for police officers and at intersections working towards an active response force with Police and Fire. SRPEDD meetings will continue to be held remotely.

P. L. Dunn inquired as to when the Planning Board annual stipend would be received.
Mr. Aubin to check into the matter.

Ch. Sullivan discussed the need for reorganization of the Planning Board because the Board currently has no Vice Chairperson. It was discussed a full board is required. Additionally, he discussed having an Executive Session for Legal Counsel to make a presentation/recommendation.

Approval of Minutes: September 14, 2021 and September 28, 2021.

B. Hoch made a motion to approve the minutes of the September 14, 2021 Planning Board Meeting, P.L. Dunn seconded. Vote: 6-0-1 (D. Roderick Abstained)

P.L. Dunn made a motion to approve the minutes of the September 28, 2021 Planning Board Meeting as amended, S. Foulkes seconded. Vote: 6-0-1 (D. Roderick Abstained)

Adjournment:

D. Roderick made a motion to adjourn the meeting, P.L. Dunn seconded, and it was unanimously approved.

The meeting was adjourned at 9:17 p.m.

Respectfully Submitted by,
Kim Lallier, Secretary
Planning Board

*Formally accepted on 11/9/2021
7 in favor, 0 against, 0 abstention*

Full Video available to view on TV9 Seekonk Community Access Television
Link: <http://tv9seekonk.com/>